

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2621

AN ACT

AMENDING SECTION 4-311, ARIZONA REVISED STATUTES; RELATING TO ILLEGAL SALES OF SPIRITUOUS LIQUOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 4-311, Arizona Revised Statutes, is amended to
3 read:

4 4-311. Liability for serving intoxicated person or minor;
5 definition

6 A licensee is liable for property damage and personal injuries or
7 is liable to a person who may bring an action for wrongful death pursuant to
8 section 12-612, OR BOTH, if a court or jury finds ALL OF the following:

9 1. The licensee sold spirituous liquor either to a purchaser who was
10 obviously intoxicated, or to a purchaser under the legal drinking age without
11 requesting identification containing proof of age or with knowledge that the
12 person was under the legal drinking age. ~~, and~~

13 2. The purchaser consumed the spirituous liquor sold by the licensee.
14 ~~, and~~

15 3. The consumption of spirituous liquor was a proximate cause of the
16 injury, death or property damage.

17 B. NO LICENSEE IS CHARGEABLE WITH KNOWLEDGE OF PREVIOUS ACTS BY WHICH
18 A PERSON BECOMES INTOXICATED AT OTHER LOCATIONS UNKNOWN TO THE LICENSEE
19 UNLESS THE PERSON WAS OBVIOUSLY INTOXICATED.

20 C. THE FINDER OF FACT SHALL CONSIDER ALL OF THE CIRCUMSTANCES IN
21 DETERMINING NEGLIGENCE AND SHALL NOT CONSIDER CONDUCT PRESCRIBED IN THIS
22 SECTION TO BE NEGLIGENCE PER SE WITH RESPECT TO THE LICENSEE.

23 B. D. For the purposes of subsection A, paragraph 2 of this section,
24 if it is found that an underage person purchased spirituous liquor from a
25 licensee and such underage person incurs or causes injuries or property
26 damage as a result of the consumption of spirituous liquor within a
27 reasonable period of time following the sale of the spirituous liquor, it
28 shall create a rebuttable presumption that the underage person consumed the
29 spirituous liquor sold to such person by the licensee.

30 C. E. For the purposes of this section, "obviously intoxicated" means
31 inebriated to such an extent that a person's physical faculties are
32 substantially impaired and the impairment is shown by significantly
33 uncoordinated physical action or significant physical dysfunction, that
34 would have been obvious to a reasonable person.